

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Robert E. Simonson
 Application No: 10/024,221
 Filing Date: October 30, 2001
 Entitled: NON CANNULATED DILATORS
 Atty. Docket No: 101896-275 (DEP-5240)

Group Art Unit: 3731

Examiner: Kevin T. Truong

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office as first class mail in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

August 27, 2004

By:


 Lisa J. Michaud, Reg. No: 44,238

Date of Signature and Mail Deposit

MS Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL

Dear Sir:

Applicant hereby petitions the Commissioner of Patents and Trademarks to make special the above-referenced patent application and, thereby, to accelerate its examination in accordance with 37 C.F.R. §1.102(d) and MPEP 708.02(II). Accompanying this Petition is a check in the amount of \$130.00, as required by 37 CFR 1.17(h). Please charge any additional fees necessary for this Petition to Deposit Order Account 141449.

Applicant requests that this application be made special on the basis of actual infringement. In accordance with MPEP 708.02(II), Applicant's undersigned representative hereby declares the following:

1. There is a device currently sold in the United States that infringes at least one claim currently pending in the above-referenced patent application.

2. A rigid comparison of the infringing device with the claims of the present application has been made, and, in my opinion, some of the claims are unquestionably infringed.

3. A careful and thorough search of the prior art has been made, and a copy of each of the references deemed most closely related to the subject matter encompassed by the claims has previously been submitted and is being made of record in an Information Disclosure Statement filed concurrently herewith.

4. The undersigned further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

For all of the aforementioned reasons, Applicants respectfully request that this application be made special. Should any questions arise in connection with this Petition to Make Special, please call the attorney whose name appears below.

Respectfully submitted,

Date: August 27, 2004


Lisa J. Michaud
Reg. No. 44,238
Attorney for Applicants

NUTTER, McCLENNEN & FISH, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210
Tel: (617) 439-2550
Fax: (617) 310-9550

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\\$) 130.00
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Complete if Known

Application Number	10/024,221-Conf. #2150
Filing Date	October 30, 2001
First Named Inventor	Robert E. Simonson
Examiner Name	K. T. Truong
Art Unit	3731
Attorney Docket No.	101896-0275 (DEP-5240)

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number **141449**

Deposit Account Name **Nutter McCennen & Fish LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify)				

SUBTOTAL (1) **(\\$) 0.00**

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-2** =	<input type="text"/>	x	<input type="text"/>	=	<input type="text"/>
Independent Claims	-3** =	<input type="text"/>	x	<input type="text"/>	=	<input type="text"/>
Multiple Dependent		<input type="text"/>	=	<input type="text"/>		

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) **(\\$) 130.00**

**or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Lisa J. Michaud	Registration No. (Attorney/Agent)	44,238	Telephone (617) 439-2000
Signature			Date	August 27, 2004

Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 27, 2004

Signature:  (Lisa J. Michaud)